



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0753-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Christine DUPUIS ) Group Art Unit: 1617  
Application No.: 09/663,183 ) Examiner: G. Mitchell  
Filed: September 15, 2000 )  
For: COSMETIC COMPOSITION ) Confirmation No.: 4212  
COMPRISING AT LEAST ONE )  
SILICONE/ACRYLATE )  
COPOLYMER AND AT LEAST )  
ONE NONIONIC POLYMER )  
COMPRISING AT LEAST ONE )  
VINYLLACTAM UNIT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of U.S. patents are not enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions filed in co-pending applications on the attached form.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents.

1. EP 0 044 976 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
2. EP 0 044 975 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
3. EP 0 880 961 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,372,237.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 9, 2005

By: Deborah M. Herzfeld  
Deborah M. Herzfeld  
Reg. No. 52,211

MAY 09 2005

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

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**Complete if Known**

Application Number	09/663,183
Filing Date	September 15, 2000
First Named Inventor	Christine DUPUIS
Art Unit	1617
Examiner Name	G. Mitchell.

Attorney Docket Number

05725.0753-00

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
1	US-5,277,899		01-11-1994	McCall	
2	US-5,618,524		04-08-1997	Bolich, Jr. et al.	
3	US-5,961,961		10-1999	Dobkowski et al.	
4	US-6,372,237		04-16-2002	Boussouira et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>8</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
5	EP-A 044 976		02-03-1982	Thoemel et al.		Abstract
6	EP-A 044 975		02-03-1982	Thoemel et al.		Abstract
7	EP-A 0 880 961		12-02-1998	Boussouira		Abstract

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>8</sup>
	8	W.R. Markland, "Sunscreens safe and effective cosmetic-drugs," Cosmetics and Toiletries, Vol. 91, March 1976, p. 79-81	
	9	English language Derwent Abstract of EP-A 044 976	
	10	English language Derwent Abstract of EP-A 044 975	
	11	English language Derwent Abstract of EP-A 0 9=880 961	
	12	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated October 25, 2001 (Ex. Wells)	
	13	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated August 13, 2002 (Ex. Wells)	
	14	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated May 9, 2003 (Ex. Wells)	
	15	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated August 22, 2003 (Ex. Wells)	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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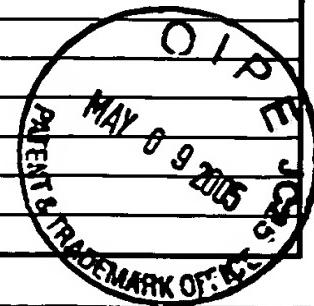
of

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**Complete if Known**

<i>Application Number</i>	09/663,183
<i>Filing Date</i>	September 15, 2000
<i>First Named Inventor</i>	Christine DUPUIS
<i>Art Unit</i>	1617
<i>Examiner Name</i>	G. Mitchell.

Attorney Docket Number 05725.0753-00

**NON PATENT LITERATURE DOCUMENTS**

16	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated May 19, 2004 (Ex. Wells)	
17	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated March 24, 2005 (Ex. Mitchell)	
18	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated June 6, 2001 (Ex. Yu)	
19	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated December 3, 2001 (Ex. Yu)	
20	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated April 11, 2002 (Ex. Yu)	
21	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated October 22, 2002 (Ex. Yu)	
22	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated July 1, 2003 (Ex. Yu)	
23	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated May 19, 2004 (Ex. Yu)	
24	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated December 15, 2004 (Ex. Yu)	
25	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated May 8, 2001 (Ex. Wells)	
26	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated September 11, 2001 (Ex. Wells)	
27	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated December 26, 2001 (Ex. Wells)	
28	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated May 14, 2002 (Ex. Wells)	
29	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated September 18, 2002 (Ex. Wells)	
30	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated June 24, 2003 (Ex. Wells)	
31	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated January 11, 2005 (Ex. Mitchell)	
Examiner Signature		Date Considered